

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Delete the title and insert the following:
- A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.
- Delete everything after the enacting clause and insert the following:
- SECTION 1. IC 7.1-3-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.
- (b) It is lawful for the holder of a supplemental retailer's permit which is not specified in subsection (c) to sell the appropriate alcoholic beverages on Sunday from noon, prevailing local time, until 12:30 a.m., prevailing local time, the following day.
- (c) It is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday from 11:00 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day if the holder of the permit meets the following criteria:
  - (1) the holder of the permit is a hotel; or
  - (2) the holder of the permit meets the requirements of ~~905 IAC 1-15.1-2(a)~~ **905 IAC 1-41-2(a)**.
- (d) Notwithstanding subsections (b) and (c), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31 from the time provided in subsection (b) or (c) until 3 a.m. the following day.
- (e) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises:
  - (1) described in section 25(a) of this chapter;

(2) **that are a facility** used in connection with the operation of a paved ~~oval~~ track more than two (2) miles in ~~circumference~~ **length** that is used primarily in the sport of auto racing; or

(3) being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

SECTION 2. IC 7.1-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commission shall not issue a beer retailer's permit, except as otherwise authorized in this title and subject to the other restrictions contained in this title, to the following persons:

(1) An alien.

(2) A person who:

(A) is not of good moral character and of good repute in the community in which the person resides; **or**

**(B) has been convicted within ten (10) years before the date of application of:**

**(i) a federal crime having a sentence of at least one (1) year;**

**(ii) an Indiana Class A, Class B, or Class C felony; or**

**(iii) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony.**

(3) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(4) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of this state, charged with any duty or function in the enforcement of this title.

(5) An officer or employee of a person engaged in the alcoholic beverage traffic, which person is a nonresident of this state, or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when a permit is required by this title.

(6) If the permit applicant does not hold a brewer's permit, a person who leases from a person, or an officer or agent of that person, who holds a brewer's permit or a beer wholesaler's permit.

(7) If the permit applicant does not hold a brewer's permit, a person who is indebted to a person who holds a brewer's permit or a beer wholesaler's permit, or an officer or agent of that person, for a debt secured by a lien, mortgage, or otherwise, upon the premises for which the beer retailer's permit is to be applicable, or upon any of the property or fixtures on the premises, or used, or to be used in connection with the premises.

(8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same

qualifications required for the issuance of a beer retailer's permit to the person.

(9) A minor.

(10) A person non compos mentis.

(11) A person who has held a permit under this title and who has had that permit revoked within one (1) year prior to the date of application for a beer retailer's permit.

(12) A person who has made an application for a permit of any type which has been denied less than one (1) year prior to the person's application for a beer retailer's permit unless the first application was denied by reason of a procedural or technical defect.

(13) A person who is not the proprietor of a restaurant located and being operated on the premises described in the application for the beer retailer's permit, or of a hotel, or of a club, owning, or leasing the premises as a part of it. The disqualification contained in this subdivision shall not apply to the qualifications for or affect the privileges to be accorded under a beer dealer's permit or a dining car beer permit.

(b) Subsection (a)(9) does not prevent a minor from being a stockholder in a corporation.

SECTION 3. IC 7.1-3-20-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of a club permit may do the following:

(1) Designate one (1) day in each month as "guest day".

(2) Keep a record of all designated guest days.

(3) Invite guests who are not members of the club to attend the club on a guest day.

(4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.

**(5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.**

(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month.

SECTION 4. IC 7.1-5-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

(1) Civic center.

(2) Convention center.

(3) Sports arena.

(4) Bowling center.

(5) Bona fide club.

(6) Drug store.

(7) Grocery store.

(8) Boat.

(9) Dining car.

(10) Pullman car.

(11) Club car.

(12) Passenger airplane.

(13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.

(14) Satellite facility (as defined in IC 4-31-2-20.5).

(15) Catering hall under IC 7.1-3-20-24 that is not open to the public.

(16) That part of a hotel or restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.

(17) Entertainment complex.

**(18) An indoor golf facility.**

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

SECTION 5. IC 7.1-5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of Setups Prohibited:~~ (a) It is unlawful for a person who owns or operates a private or public restaurant or place of public or private entertainment to permit another person to come into ~~his the~~ establishment with an alcoholic beverage for sale or gift, or for consumption in the establishment by that person or another, or to serve a setup to a person who comes into ~~his the~~ establishment. However, the provisions of this section shall not apply to **the following:**

(1) A private room hired by a guest of a bona fide club or hotel that holds a retail permit.

**(2) A facility that is used in connection with the operation of a paved track of more than two (2) miles in length that is used primarily in the sport of auto racing.**

(b) An establishment operated in violation of this section ~~hereby~~ is declared to be a public nuisance and subject to abatement as other public nuisances are abated under the provisions of this title.

SECTION 6. IC 7.1-5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Taking Alcoholic Beverage On Licensed Premises Prohibited:~~ It is a Class C misdemeanor for a person, for ~~his the~~ **the person's** own use, to knowingly carry on, convey to, or consume, on or about the licensed premises of a permittee, an alcoholic beverage that was not then and there purchased from that permittee. **However, this section does not apply to a person at a facility that is used in connection with the operation of a paved track more than two (2) miles in length that**

- III is used primarily in the sport of auto racing.
- III SECTION 7. An emergency is declared for this act.  
(Reference is to SB 55 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

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GARTON

Chairperson